

# TOWN OF LOOMIS

## ADMINISTRATIVE POLICIES AND PROCEDURES

### STANDARD OPERATING PROCEDURES

Effective Date: 4/14/1992	Resolution
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#### PURPOSE

Operating procedures for Town Council.

#### POLICY

##### Section 1. OPERATION OF TOWN COUNCIL MEETINGS

- A. In order to ensure that all members of the public have an opportunity to speak and that the Council is able to complete its business, there will be a five-minute limitation on comments by the public unless otherwise prohibited by law. In order to effectively enforce this rule, the Deputy Town Clerk will monitor the time for each speaker and inform the Council when the five-minute limitation has been reached. Persons addressing the Council shall step up to the podium and shall give their name and address in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof.

For items not on the agenda, this same paragraph shall apply. The Town Council or staff shall not engage in debate regarding, or take any action on, any matter brought to its attention under this item except to refer the matter to staff or to determine that the matter should be included on a future agenda for debate and action.

- B. Standards of Decorum

a. Councilmembers

While the Council is in session, the members must preserve order and decorum. No member shall, either by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council or disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer.

b. Other Persons

Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Council, shall be forthwith, by the presiding officer, barred from further audience before the Council, unless permission to continue is granted by consensus of the Council.

- C. The Council shall meet the second and fourth Tuesday of each month. Meetings will conclude by 10:00 p.m. If the Council desires to proceed past 10:00 p.m., the Council, at 9:30 p.m., will determine which issues will be completed at that meeting and which items will be continued to the following meeting.

- D. Regular meetings shall be held pursuant to California State Law, Ordinances and Resolutions of The Town of Loomis.
- E. Special meetings may be called by the Mayor provided notice is given as required under California State Law and shall be limited to those items listed in the noticed agenda.
- F. Meetings may be continued by the Mayor or by a motion of the Council without further public notice, and shall be continued to a definite time, date and place, not later than the next regular meeting, provided that the action is publicly announced at the meeting or posted at the meeting place at the time the meeting otherwise would have been held.
- G. The Council shall take a five minute break around 9:00 p.m. If the meeting is to continue past 10:00 p.m. another break will be taken at 10:30 p.m.
- H. Changes to, or proposed Town ordinances shall be set for public hearing.
- I. Closed sessions of the Town Council shall be conducted prior to the start of meeting. Closed Sessions of the Town Council shall only be held for those purposes permitted by California State Law. The legal opinion of the Town Attorney should be obtained if doubt is stated by any member of the Council on the legality of the closed session.
- J. Members of the Council should not get into a debate with a member of the public or staff at Council meetings since these debates seldom resolve concerns and many times inflame feelings at a public meeting. Any concerns by a member of Council over the behavior or work of a Town employee during a Council meeting should be directed to the Town Manager privately to ensure the concern is resolved. Any actions taken by the manager will be reported to the Council as a confidential communication. When referrals are made to staff as a result of public comments made during a meeting, a follow-up report will be placed on a future Council agenda.
- K. Town Council agenda items that are continued from one meeting to another shall have preference on the agenda under the same agenda category.
- L. Public Hearings shall be conducted as set forth herein and apply to all public hearings required to be conducted by law.

#### Order of Presentations

The order of presentations shall be:

- Opening of public hearing by presiding officer
- Confirmation of notice by clerk
- Presentation by staff
- Presentation by applicant or appellant
- Presentation by public in support of applicant or appellant
- Presentation by public in opposition
- Rebuttal by applicant or appellant (in the presiding officer's discretion)
- Closing of public hearing by presiding officer
- Town Council discussion

**-Town Council action**

After a public hearing is closed, Councilmembers may ask questions of the applicant or representative and may offer the right to rebuttal to others. The public will not be allowed to address the Council after the close of the hearing except at the discretion of the Mayor.

In order to facilitate the asking of questions of staff or the public, the presiding officer may close a hearing on an "interim basis" and allow additional testimony at any time. The presiding officer shall formally close the hearing prior to any motion being made, and shall take care to note whether a hearing is closed on an interim basis, or formally.

During the hearing, Councilmembers shall not express opinions on the application or indicate the manner in which they intend to vote, until after the presiding officer has closed the public hearing and Council debate has begun. Applicants or appellants are encouraged to be present for the hearing. In the matter of an appeal before the Council, if an appellant submits new information to the Council that the staff has not been apprised of, the public hearing may be continued for two weeks to allow time for staff review and comment.

- M. The Mayor may, with Council concurrence, schedule Council review of agenda items out of their prescribed order on the printed agenda if a large number of the public are present to speak on the agenda item.
- N. The Council may take action on items listed under Council Committee Reports.
- O. It is not necessary for all Councilmembers to speak or give their viewpoints on every issue or item. Under public hearings and Council considerations if their concerns are already addressed by other Councilmembers. On critical or significant issues, all members of the Council will undoubtedly want to indicate their opinions on the issue. Councilmembers should make a statement about their vote if they vote outside the majority action of the Council or are supporting an item for special reasons.
- P. Materials shall, whenever possible, be submitted in sufficient time for inclusion in the Council packet. Any written correspondence or other materials received at a town Council meeting shall be documented by the Deputy Town Clerk and distribution indicated. If the Clerk does not receive a copy of the written submittal, it shall not be considered to have been received or acted upon by the Town Council. See item L for procedure on information/materials received during a public hearing.
- Q. At the conclusion of each public hearing on a planning project, prior to Council action, the Mayor or Planning Director shall review for the Town Council each proposed condition of approval which will be revised pursuant to Council's decision of the project.
- R. Each member of the Town Council agrees that to make the Council as effective as it can be, that each Councilmember will clearly state their concerns and seek out other Councilmembers concerns with the intent being that everyone's concerns are addressed.
- S. Council comments are designed for Councilmembers to comment on items of general interest or

to request that an item be placed on a future agenda. The latter requires a consensus of the Council.

- T. The Consent Calendar consists of items that are routine or non-controversial in nature. The entire calendar is intended to be acted on in one motion. If Councilmembers have a question or wish to remove an item from the Consent Calendar they should call the Town Manager. All efforts should be made to contact the Manager as far in advance as possible, so that a determination can be made as to whether it can be handled after the Consent Calendar or if it needs to be held over to the next Council meeting. A member of the public may request an item to be pulled off of the Consent Calendar by notifying the Clerk prior to the beginning of the meeting. The person pulling the item will be heard; however, a determination may be made to continue action to the next Council meeting if necessary.

- U. Actions and decisions shall result from a motion followed by a second and passed by a majority vote of those present, provided a quorum is in attendance.

V. Quorum

1. A quorum shall consist of a majority of the total number of members including vacancies and no action requiring a vote shall be effective unless passed by vote of the majority of those present, with at least a quorum in attendance. Additional votes may be required when mandated by law.
2. In the absence of a quorum, the meeting shall be cancelled by the Town Clerk or Deputy Town Clerk at the direction of the Mayor, and the following actions shall be performed by the Town Clerk or Deputy Town clerk:
  - a. Notice of the action is given to all members, the media and the public as required by State Law; and
  - b. Notice is posted at the place of the meeting immediately after the cancellation.

W. Voting

1. Except where provided, all resolutions, orders, rules or any other business requiring approval of the Council shall be carried by a majority vote of all Councilmembers who are present and qualified to act.
2. Notwithstanding paragraph (a) of this section, no resolution, order, rule or any other business requiring approval of the Council shall be carried by the affirmative vote of less than two (2) Councilmembers.
3. No Councilmember shall make, participate in making or in any way attempt to use his or her official position to influence a decision on any issue when prohibited from so doing by the Political Reform Act of 1974 as amended (Government Code Section 87100). A Councilmember shall, when the item is called, declare that a Conflict of Interest exists, state what the Conflict of Interest is, and shall remove himself or herself from the Council

table during the discussion. The Councilmember's removal shall be noted on the record by the presiding officer, who shall also note the member's return when the item is concluded.

4. In a tie vote which is due to an absence or an abstention, the motion fails. If the subject matter is appealed, a tie vote on each side of the question shall result in no change to the action appealed.
5. Each Councilmember is required to vote on any matter duly placed before the Council for consideration, unless the abstention from voting is because of a direct conflict of interest.
6. Each Councilmember may raise an objection to any procedure at any time, and when called upon shall state the basis of the objection. The Mayor shall rule on the objection, but may be overruled by a majority vote of the Council.

## Section 2. TOWN COUNCIL RELATIONS WITH TOWN STAFF

- A. Town staff shall not debate with Council during a public meeting.
- B. There shall be mutual respect from both staff and Councilmembers of their respective roles and responsibilities when and if expressing criticism in public session.
- C. Town staff shall acknowledge the Council as policy makers and the Town Council shall acknowledge staff as administering the Council's policies.
- D. All requests for information or questions by the Town Council to staff shall be directed to the Town Manager, Town Attorney, Deputy Town Manager, or Department Managers. All complaints should be submitted to the Town Manager or the Town Attorney.
- E. Written informational material requested by Individual Councilmembers may be submitted by staff To all Councilmembers with a notation indicating which Councilmember requested the information and if the material is of general interest to the entire Council.
- F. Councilmembers shall not attempt to coerce or influence staff in the making of appointments, awarding of contracts, selection of consultants, processing of development applications, granting of Town licenses or permits. The Council shall not attempt to change or interfere with the operating policies and practices of Town departments.
- G. Mail addressed to the Mayor and Town Council shall be circulated to the Town Manager for a determination with the Mayor as to a response (i.e. whether a direct response, no response necessary or scheduling for an agenda). Responses, along with the original communication will be submitted to Councilmembers for information.
- H. Mail addressed to individual Councilmembers shall not be opened unless an individual Councilmember has requested otherwise.
- I. A Councilmember shall not direct staff to initiate any action or prepare any report that is

significant in nature or initiate any project or study without the approval of a majority of the Town Council.

**Section 3. TOWN COUNCIL RELATIONSHIP WITH TOWN COMMISSIONS AND COMMITTEES AND COUNCILMEMBER REPRESENTATION TO OTHER AGENCIES AND GROUPS**

- A. Members of the Town Council should not attempt to influence commission or committee Recommendations, or to influence or lobby individual commission or committee members on any item under their consideration. It is important for commissions and committees to be able to make objective recommendations to the Town Council on items before them. Members of the Council that attempt to strongly influence commission positions on an item may prejudice or hinder their role in reviewing the commission's/committee's recommendation as a member of the Town Council. When an item is before the Council on appeal from a Planning Commission decision, the Planning Commission chair or Commission designee shall attend the Council meeting as a single Commission voice to represent the Planning Commission.
- B. Individual Councilmembers shall have the right to attend meetings but are cautioned about becoming involved in the meeting's discussions and about potential Brown Act violations.
- C. Town Councilmembers will, as part of their duties, represent the Town on various local commissions, boards or committees. Councilmembers shall keep the Council informed about the business of these groups through Council Committee Reports on regular Council agendas. If Council direction/consensus on an item or issue before another body is needed, it shall be sought through the Council Committee Report process. It is recognized by the Council that there are situations where a Councilmember sitting in the capacity as member of another group will be voting on items that have not been discussed by the Council. In those situations, a Councilmember's best judgement based on information available, is to be used. However, in representing the Town, a Councilmember should always indicate the majority position and opinion of the Council, if a position has previously been taken, unless otherwise required by law.

**Section 4. TOWN COUNCIL HANDLING OF LITIGATION AND OTHER CONFIDENTIAL INFORMATION.**

- A. Town Councilmembers shall keep all written materials and verbal information provided to them on matters that are confidential under State law in complete confidence to insure that the Town's position is not compromised. No mention of information in these materials should be made to anyone other than Councilmembers, Town Attorney or Town Manager.
- B. If the Town Council in closed session has provided direction to Town staff on proposed terms and Conditions for any type of negotiations whether it be related to property acquisition or disposal, proposed or pending claims or litigation, and/or employee negotiations, all contact with the other party should be the designated Town staff representative handling the negotiations or litigation. A Councilmember should not have any contact or discussion with the other party or its representative involved with the negotiation during this time and not communicate any discussion conducted in closed sessions. All public statements, information, press releases should be handled by the designated staff spokesperson.